

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Servants – Panchayat Raj & Rural Development Department – Allegations of failure to submit the annual property returns to the Dept. from 1982 to 2007, except 2004 and failure to obtain prior permission from the dept. for purchase of all movable and immovable properties - Sri Sabavath Shivalal, former Dy.Executive Engineer, Panchayat Raj, Bheemgal Sub-Division, Nizamabad District - Disciplinary proceedings under Rule 20 of Andhra Pradesh Civil Services (CC&A), Rules, 1991 – Article of charges – Issued.

PANCHAYAT RAJ & RURAL DEVELOPMENT (VIG.I) DEPARTMENT
G.O.Rt.No. 1339. **Dated: 17.09.2009.**

ORDER:

It is proposed to hold an enquiry against Sri Sabavath Shivalal, former Dy.Executive Engineer, Panchayat Raj, Bheemgal Sub-Division, Nizamabad District, in accordance with the procedure laid down in Rule 20 of the Andhra Pradesh Civil Services (Classification, Control & Appeal) Rules, 1991.

2. The substance of the imputations of misconduct or misbehaviour in respect of which the enquiry is proposed to be held is set out in the enclosed statement of articles of charges (Annexure-I). A statement of the imputations of misconduct or misbehaviour in support of article of charge is enclosed as Annexure-II. A list of witnesses by whom and a list of documents by which the articles of charge is proposed to be sustained are also enclosed as Annexure-III and IV.

3. Sri Sabavath Shivalal, former Dy.Executive Engineer, Panchayat Raj, Bheemgal Sub-Division, Nizamabad District, is directed to submit within (10) days of the receipt of this order, a Written statement of defence. He is informed that an inquiry will be held only in respect of those article of charges as are not admitted. He should, therefore, specifically admit or deny each article of charge.

4. Sri Sabavath Shivalal, former Dy.Executive Engineer, Panchayat Raj, Bheemgal Sub-Division, Nizamabad District, is further informed that if he does not submit his written statement of defence within the stipulated period specified in para (3) above, further action will be processed based on the material available.

5. Attention of Sri Sabavath Shivalal, former Dy.Executive Engineer, Panchayat Raj, Bheemgal Sub-Division, Nizamabad District, is invited to Rule 24 of the Andhra Pradesh Civil Services (Conduct) Rules 1964 under which no Government servant shall bring or attempt to bring any political or outside influence to bear upon any superior authority to further his interest in respect of matters pertaining to his service under the Government. If any representation is received on his behalf from another person in respect of any matter dealt within these proceedings, it will be presumed that he is aware of such a representation and that it has been made at his instance and action will be taken against him for violation of Rule 24 of the Andhra Pradesh Civil Services (Conduct) Rules, 1964.

6. The receipt of this Memorandum shall be acknowledged forthwith.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)
M.V.P.C. SASTRY
PRINCIPAL SECRETARY TO GOVERNMENT

To
Sri Sabavath Shivalal, former Dy.Executive Engineer, Panchayat Raj,
Bheemgal Sub-Division, Nizamabad District through
the Engineer-in-Chief, Panchayat Raj, Hyderabad.
The Engineer-in-Chief, Panchayat Raj, Hyderabad.
(with a request to serve and return the acknowledged copy and W.S.D.)

Copy to:
The Director General, A.C.B., Hyderabad.
Law (A) Dept.
SF/SCs

//FORWARDED: BY ORDER//

SECTION OFFICER

ANNEXURE-I

(Annexure to G.O.Rt.No. 1339 , PR & RD (Vig.I) Dept., dt. 17.09.2009)

(Statement of Article of charges against Sri Sabavath Shivalal, former Dy.Executive Engineer, Panchayat Raj, Bheemgal Sub-Division, Nizamabad District)

Sri Sabavath Shivalal, S/o Gangaram joined in Government service on 02.08.1982 as Assistant Engineer, Panchayat Raj (RWS) at Nizamabad district, while functioning as Asst. Engineer and Deputy Executive Engineer, Panchayat Raj Department at Medak and Nizamabad Districts during the period between 02.02.1982 (i.e., entry into Govt. service) to 01.12.2007 (i.e., date of house searches) has committed grave misconduct and committed the following irregularities.

CHARGE-I:

That Sri Sabavath Shivalal failed to furnish Annual Property Returns to the Competent Authority for the total service i.e., 02.08.1982 (i.e., entry into Govt. service) to 01.12.2007 (i.e., date of house searches). Further, the A.O. failed to submit proforma-I to VI received by competent authority.

CHARGE-II:

That Sri Sabavath Shivalal failed to obtain previous sanction from the competent authority for the purchase of the following immovable properties in his name and in the name of his family members.

- a) purchase of a house plot admeasuring 203.85 Sq. yards at Banswada vide Doct. No.479/1993 of SRO, Banswada.
- b) purchase of a house plot admeasuring 200 Sq. yards at Nizamabad vide Doct.No.7428/1999 of Joint Sub-Registrar, Nizamabad.
- c) purchase of a house plot admeasuring 200 Sq. yards at Nizamabad shivar vide Doct.No.563/2003, dt. 22.01.2003 of SRO, Nizamabad.
- d) purchase of a house No.MIG-II/81 through APHB, Nizamabad admeasuring 233.33 Sq. yards out of which plinth area 468.46 Sq.ft. at Vinayakanagar, Nizamabad and it was registered vide Docts.No.4881/2003 and 6272/2003 (rectification Deed) in the name of A.O.
- e) purchase of a house plot admeasuring 300 Sq. yards at Nizamabad shivar vide Doct. No.658/2005 of SRO, Nizamabad.
- f) purchase of a house plot admeasuring 200 years at Nizamabad shivar vide Doct. No.659/2005 of SRO, Nizamabad.
- g) purchase of a house plot admeasuring 300 Sq. yards at Nizamabad shivar vide Doct. NO.660/2005 of SRO, Nizamabad.
- h) purchase of a house plot admeasuring 425 Sq. yards at Nizamabad shivar vide Doct. No.1019/2005 of SRO, Nizamabad.
- i) purchase of a house plot admeasuring 266.66 Sq. yards at Borgaom village shivar, Nizamabad mandal vide Doct. No.10992/2005 of SRO, Nizamabad.
- j) purchase of a house plot admeasuring 196.66 Sq. yards at Vinayakanagar, Nizamabad vide Doct. No.3228/2006 of SRO, Nizamabad.
- k) purchase of a house bearing No. 92 MIG-II at APHB colony, Vinayaknagar, Nizamabad admeasuring 196.66 yards vide Doct. No.3726/2006 of SRO, Nizamabad.
- l) purchase of a Gatze Car bearing No.AP 25 P 6336.

CHARGE-III:

That Sri Sabavath Shivalal violated Rule 9 (2) of A.P.C.S. (Conduct) Rules, 1964 and engaged in transaction of F.Ds, R.Ds, and Chits, i.e, Spl. TDRs at SBH, Vinayaknagar vide A/c No.s 6203600-7640, 7684, 7708, 7753, 7844, 6203880-4134, 4189 and 4225 in his name, made investment in the Postal R.D. Vide A/c No.166896, 69425, 74674, 69726 in the name of his wife Smt. Nirmala, daughter Kum. Shilpa and son Suraj and subscribed in Sri Sai Srinivasa Chits, Kamareddy vide Chit Nos. (1) E88-Chit value Rs.60,000/-, (2) F88 -Chit value Rs.40,000/-, (3) E89-Chit value Rs.60,000/-, (4) F89 -Chit value Rs.40,000/-, (5) E93 - Chit value Rs.60,000/-, (6) F93 - Chit value Rs.40,000/-, (7) E94 - Chit value Rs.60,000/-, (8) F94 - Chit value Rs.40,000/-, the 8 chits in the name of A.O., (9) HC 74 & 76 - Chit value Rs.50,000/- and (10) HC 75 - Chit value Rs.50,000/- in the name of Smt. Nirmala wife of A.O. in which transaction exceeded Rs.20,000/- and A.O. failed to report forthwith with the competent authority.

Thus, Sri Sabavath Shivalal by his above mentioned acts has exhibited lack of integrity, devotion to duty and conduct, unbecoming member of service and thereby contravened Rules 3 (1), (2) and 9 (1), (2), (7) and (8) of A.P. Civil Services (Conduct) Rules, 1964.

M.V.P.C. SASTRY
PRINCIPAL SECRETARY TO GOVERNMENT

//FORWARDED: BY ORDER//

SECTION OFFICER

ANNEXURE-II

(Annexure to G.O.Rt.No.1339, PR & RD (Vig.I) Dept., dt. 17.09.2009)

STATEMENT OF IMPUTATIONS OF MISCONDUCT OR MISBEHAVIOUR IN SUPPORT OF THE ARTICLE OF CHARGES AGAINST SRI SABAVATH SHIVALAL, FORMER DY. EXECUTIVE ENGINEER, PANCHAYAT RAJ, BHEEMGAL SUB-DIVISION, NIZAMABAD DISTRICT

That Sri Sabavath Shivalal, former Dy.Executive Engineer, Panchayat Raj, Bheemgal Sub-Division, Nizamabad District is a native of Ankole Thanda, Birkur Mandal, Nizamabad District. His date of birth is 02.09.1960. He joined in Government service on 02.08.1982 as Asst. Engineer, Panchayat Raj (RWS) Dept. at Nizamabad District. He worked as Asst. Engineer and Dy. Executive Engineer in Medak and Nizamabad Districts, during the period from 02.08.1982 to 01.12.2007. He is here-in-after referred to as Government Servant.

That the Government Servant did not obtain previous sanction from the competent authority while purchasing and renovating the house bearing No.MIG-II/81 through APHB, Nizamabad admeasuring 233.33 Sq. yards out of which plinth area 468.46 Sq.feets at Vinayaknagar in his name and purchasing a house bearing No.MIG-II/92, Nizamabad in his name of his wife Smt. Nirmala and contravened Rule 9 of the A.P.C.S. (Conduct) Rules, 1964. The Executive Engineer, APHB Department, Nizamabad furnished the information with regard to the House and the SRO, Nizamabad furnished the Documents.

The Government Servant did not obtain previous sanction from the competent authority while purchasing the house plots and houses in his name and in the name of his wife and thereby contravened Rule 9 of the A.P.C.S. (Conduct) Rules, 1964. The Sub-Registrar, Nizamabad furnished the information with regard to the registration of the document.

The Government Servant did not obtain previous sanction from the competent authority while purchasing the Car in his name and thereby contravened Rule 9 of A.P.C.S (Conduct) Rules, 1964. The RTO, Nizamabad furnished the information with regard to the registration of the Car.

That the Government Servant has engaged in transaction of fixed deposits and RDs in different companies which are of speculative character relating to the purchase, sale or exchange. The Government Servant did not obtain previous sanction from the competent authority while engaged in transaction of fixed deposits, and RDs in different companies and contravened Rule 9 (4) of A.P.C.S. (Conduct) Rules, 1964.

Thus, Government Servant by his above mentioned acts, has exhibited lack of integrity, devotion to duty and conduct, unbecoming member of service and thereby contravened Rules 3 (1), (2) and 9 (1), (2), (7) and (8) of the A.P. Civil Services (Conduct) Rules, 1964.

The Public Servant Sri Sabavath Shivalal, former Dy.Executive Engineer, Panchayat Raj, Bheemgal Sub-Division, Nizamabad District, has therefore rendered himself liable for regular departmental action.

M.V.P.C. SASTRY
PRINCIPAL SECRETARY TO GOVERNMENT

//FORWARDED: BY ORDER//

SECTION OFFICER

ANNEXURE-III

(Annexure to G.O.Rt.No.1339, PR & RD (Vig.I) Dept., dt. 17.09.2009)

List of Witnesses by whom the article of charges is proposed to be sustained against Sri Sabavath Shivalal, former Dy.Executive Engineer, Panchayat Raj, Bheemgal Sub-Division, Nizamabad District.

Charge-I:

1. The Executive Engineer, Panchayat Raj, Medak.
2. Sri K. Seetaramulu, Inspector of Police, ACB, Nizamabad Range, Nizamabad.

Charge-II:

1. The Joint Sub-Registrar, Nizamabad District.
2. The SRO, Banswada, Nizamabad District.
3. Sri K. Seetaramulu, Inspector of Police, ACB, Nizamabad Range, Nizamabad.

Charge-III:

1. Sri K. Achutananda Gupta, S/o Laxmanandam Gupta, age 46 years, Occ: Asst. Social Welfare Officer, Nizamabad, R/o H.NO.6-2-420, Subashnagar, Nizamabad.
2. Sri M. Damodhar, S/o Lingaiah, age 47 years, Occ: Junior Assistant, O/o Asst. Welfare Officer, Nizamabad, R/o H.No.1-1-664, Padmanagar, Nizamabad.
3. Sri K. Seetaramulu, Inspector of Police, ACB, Nizamabad Range, Nizamabad.

M.V.P.C. SASTRY
PRINCIPAL SECRETARY TO GOVERNMENT

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SECTION OFFICER

ANNEXURE-IV

(Annexure to G.O.Rt.No.1339 , PR & RD (Vig.I) Dept., dt.17.09.2009)

List of documents by which the article of charges is proposed to be sustained against Sri Sabavath Shivalal, former Dy.Executive Engineer, Panchayat Raj, Bheemgal Sub-Division, Nizamabad District.

Charge-I:

Letter No.1025/2007, dt. 05.01.2008 of the Executive Engineer, PR Division, Nizamabad.

Charge-II:

1. Letter No.1380/2007, dt. 17.12.2007 of Joint Sub-Registrar, Nizamabad.
2. Letter No.418/2007, dt. 14.12.2007 of SRO, Banswada.
3. Copy of Doct. No.479/1993 of SRO, Banswada.
4. Copy of Doct. No.7428/1999 of Joint Sub-Registrar, Nizamabad.
5. Copy of Doct. No.563/2003, dt. 22.01.2003 of SRO, Nizamabad.
6. Copy of Docts.No.4881/2003 and 6272/2003 (rectification Deed) in the name of A.O.
7. Copy of Doct. No.658/2005 of SRO, Nizamabad.
8. Copy of Doct. No.659/2005 of SRO, Nizamabad.
9. Copy of Doct. No.660/2005 of SRO, Nizamabad.
10. Copy of Doct. No.1019/2005 of SRO, Nizamabad.
11. Copy of Doct. No.10992/2005 of SRO, Nizamabad.
12. Copy of Doct. No.3228/2006 of SRO, Nizamabad.
13. Copy of Doct. No.3726/2006 of SRO, Nizamabad.
14. Invoice No.1793, dt. 11.10.2007 of the Kun United Hyundai Private Ltd., Krishna Plaza, Khairatabad, Hyderabad.
15. Letter No.307/B3/2008, dt. 07.02.2008 of DTC, Nizamabad District along with copy of "B" Register of the vehicle.
16. Letter No.81/MIG.II/EE-NZB/2007, dt. 16.02.2008 of the EE (HG), APHB, Nizamabad.

Charge-III:

1. Inventory report dt. 01.12.2007 drafted at house of A.O. bearing No.MIG-II/81, APHB, Vinayaknagar, Nizamabad.
2. Original postal RD Books A/c No.166896, 69425, 69726, 74674 and 74675 seized by ACB at the time of house searches of A.O. on 01.12.2008.
3. Lr.No.H/RD/Misc./08, dt. 27.09.2008 of Sub-Post Master, Nizamabad R.S. Post Office.
4. Letter dt. 03.01.2008 of the Bank Manager, SBH Vinayaknagar, Nizamabad.
5. Letter dt. 07.03.2008 of Sri P. Balakishan, Proprietor, Sri Sai Srinivas Chit Funds, Kamareddy, Nizamabad.
6. Original chit books seized during the house of the A.O. on 01.12.2008.

M.V.P.C. SASTRY
PRINCIPAL SECRETARY TO GOVERNMENT

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